

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Donnie Tyler

Respondent

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P & S Docket No. D-99-0002

Decision Without Hearing
By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 7 U.S.C. § 181 et seq., hereinafter "the Act," by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent, Donnie Tyler, admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondent neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for that purpose only, to the entry of this decision.

Findings of Fact

1. Respondent Donnie Tyler is an individual whose mailing address is 625 Horn Road, Harrodsburg, Kentucky 40330.
2. At all material times, Respondent was:
 - (a) Engaged in the business of buying and selling livestock in commerce for

his own account and buying livestock in commerce on a commission basis; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this order, this order will be entered.

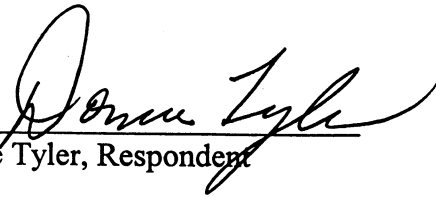
Order

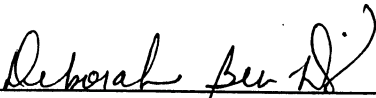
Respondent Donnie Tyler, his agents, employees, successors, and assigns, directly or indirectly through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Donnie Tyler is hereby assessed a civil penalty in the amount of five thousand dollars (\$5,000.00), to be paid in conformity with the terms of the parties' Understanding With Respect to Civil Penalty and Payment Terms.

This order shall become final upon issuance.

Copies of this decision shall be served on the parties.


Donnie Tyler, Respondent


Deborah Ben-David
Attorney for Complainant

Issued this 5 day of May, 1999.


Administrative Law Judge